

1 Daniel T. Hayward, Esq.
2 Nevada State Bar No. 5986
3 Ryan W. Leary, Esq.
4 Nevada State Bar No. 11630
5 LAXALT & NOMURA, LTD.
6 9600 Gateway Drive
7 Reno, NV 89521
8 dhayward@laxalt-nomura.com
9 rleary@laxalt-nomura.com
10 Telephone: (775) 322-1170
11 Facsimile: (775) 322-1865

12 Gregg M. Mashberg, Esq.
13 (Admitted *pro hac vice*)
14 Lawrence S. Elbaum, Esq.
15 (Admitted *pro hac vice*)
16 PROSKAUER ROSE LLP
17 Eleven Time Square
18 New York, NY 10036
19 gmashberg@proskauer.com
20 lebaum@proskauer.com
21 Telephone: (212) 969-3000
22 Facsimile: (212) 969-2900
23 *Attorneys for Third-Party Defendants*
24 *Cede & Co. and The Depository Trust Company*

15 UNITED STATES DISTRICT COURT

16 DISTRICT OF NEVADA

17 CHINA ENERGY CORPORATION,) 3:13-CV-562-MMD-VPC
18 vs.)
19 ALAN HILL, et al.,) Plaintiff,) REPLY IN SUPPORT OF
20 vs.)) EMERGENCY MOTION TO
21 ELENA SAMMONS AND MICHAEL) EXTEND TIME FOR THIRD-)
22 SAMMONS,) PARTY DEFENDANTS CEDE &)
23 vs.) CO. AND THE DEPOSITORY) TRUST COMPANY TO FILE A)
24 CEDE & CO., THE DEPOSITORY TRUST) REPLY TO THIRD-PARTY)
25 COMPANY, AND COR CLEARING, LLC) PLAINTIFFS' AMENDED)
26 vs.) RESPONSE TO MOTION TO)
27) DISMISS AND/OR STRIKE)
28) THIRD-PARTY COMPLAINT)

1 Third-Party Defendants Cede & Co. (“Cede”) and The Depository Trust Company
 2 (“DTC”) (together, the “DTC Defendants”), hereby submit the following reply in support of their
 3 motion (the “Motion”) (Doc. #194) requesting an order extending the time from April 4, 2014 to
 4 April 9, 2014, for DTC Defendants to file a reply to Third-Party Plaintiffs’ Amended Response
 5 to Motion to Dismiss and/or Strike Third-Party Complaint (“Amended Response”) (Doc. #172).

6 With his opposition (Doc. #195) to DTC Defendants’ Motion, Third-Party Plaintiff fails
 7 to offer a single substantive reason why the Court should deny DTC Defendants’ request for a
 8 brief five (5) day extension to file their reply brief. Third-Party Plaintiff does not dispute the
 9 need for DTC Defendants to investigate the new allegations raised by Third-Party Plaintiffs in
 10 their Amended Response, that DTC Defendants have been diligently working on a reply since
 11 the Court resolved the issue (by Order dated March 21, 2014 (Doc. # 192)) of which filing DTC
 12 Defendants must respond to, and that DTC Defendants’ investigative efforts have been
 13 complicated by the fact the client contact and local counsel are both presently out of the country.
 14 Nor does Third-Party Plaintiff claim he will suffer any prejudice if the Court grants the brief five
 15 (5) day request. Third-Party Plaintiff’s only contention is that DTC Defendants’ reply should be
 16 as simple as making minor changes to their prior reply (Doc. #171), which as set forth above and
 17 in the Motion, simply is not the case.¹

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27

28 1 In footnote 1, Third-Party Plaintiff makes several arguments regarding impleader and severance, all of
 which are entirely irrelevant to the present request for an extension of time.

Under these circumstances, DTC Defendants submit that their motion is reasonable and that good cause exists for granting the same.² Accordingly, DTC Defendants hereby request that the Court grant them until the end of the day on April 9, 2014, to file their reply to Third-Party Plaintiffs' Amended Response.

Dated: April 3, 2014.

DANIEL T. HAYWARD, ESQ.
Nevada State Bar No. 5986
RYAN W. LEARY, ESQ.
Nevada State Bar No. 11630
LAXALT & NOMURA, LTD.
9600 Gateway Drive
Reno, NV 89521
dhayward@laxalt-nomura.com
rleary@laxalt-nomura.com
Telephone: (775) 322-1170
Facsimile: (775) 322-1865

GREGG M. MASHBERG, ESQ.
(admitted *pro hac vice*)
LAWRENCE S. ELBAUM, ESQ.
(admitted *pro hac vice*)
PROSKAUER ROSE LLP
Eleven Time Square
New York, NY 10036
gmarshberg@proskauer.com
lelbaum@proskauer.com
Telephone: (212) 969-3000
Facsimile: (212) 969-2900
Attorneys for Third-Party Defendants
Cede & Co. and The Depository Trust Company

2 As noted in the Motion at footnote 1, DTC Defendants reserve all of their rights, including their rights with respect to the pending motion to dismiss on the basis of lack of personal jurisdiction.

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On this 3rd day of April, 2014, I caused to be served a true and correct copy of the forgoing *Reply in Support of Emergency Motion to Extend Time for Third-Party Defendants Cede & Co. and The Depository Trust Company to File a Reply to Third-Party Plaintiffs' Amended Response to Motion to Dismiss and/or Strike Third-Party Complaint* by method indicated

XX by Court's CM/ECF Program

And addressed to the following:

Anjali D. Webster, Esq.

Justin J. Bustos, Esq.

Gordon Silver

100 W. Liberty Street

Reno, 89501

Michael N. Feder, Esq.

Gordon Silver

3960 Howard Hughes Parkway, 9th Floor

Las Vegas, NV 89169

Frances Floriano Goins, Esq.

Ulmer & Berne LLP

1660 West 2nd Street, Ste 1100

Cleveland, OH 44113

Attorneys for Plaintiff China Energy Corporation

Michael Sammons

15706 Seekers Street

San Antonio, TX 78255

Defendant/Third Party Plaintiff

Richard L. Elmore, Esq.

Holland & Hart LLP

5441 Kietzke Lane, 2nd Floor

Reno, NV 89511

Attorneys for Defendant Thomas S. Vredevoogd

1 Edmund J. Gorman, Jr., Esq.
2 Attorney at Law, Ltd.
3 335 W. First Street
Reno, NV 89503
3 *Attorney for Defendant Alan T. Hill*

4 Louis M. Bubala III
5 Bret F. Meich
6 Armstrong Teasdale LLP
50 West Liberty, Suite 950
Reno, NV 89501
7 *Attorneys for Third Party Defendant COR Clearing*

8 And by U.S. Mail to Pro Se Parties addressed as follows:

9 Elena Sammons
10 15706 Seekers St
San Antonio, TX 78255
11 *Defendants / Third-Party Plaintiffs (Pro Se)*

12 Randy Dock Floyd
13 4000 Goff Road
Aynor, SC 29511
14 *Defendant (Pro Se)*

15 Jun He
16 231 Split Road Rd
The Woodlands, TX 77381
17 *Defendant (Pro Se)*

19
20 
An employee of Laxalt & Nomura, Ltd.